Neil Duncan Gillies & Anor v Liew Mei Ling & Ors

HIGH COURT (KUALA LUMPUR) — CASE NO F25–01 OF 2010
YEOH WEE SIAM JC
8 APRIL 2010

Family Law — Children — Adoption — Applicants Australian citizens and residing in Peninsular Malaysia — Applicants on social visit pass and employment pass — Whether applicants qualify as ordinary resident under s 4(3) of the Adoption Act 1952

Statutory Interpretation — Ordinary residence in Peninsular Malaysia — Meaning of — Question of fact — Whether sufficient duration and continuity to satisfy requirement of ordinariness — Whether employment pass main criteria to determine meaning — Adoption Act 1952 s 4(3)

The case herein was registered in this court pursuant to the submission on a question of law under s 10(4) of the Adoption Act 1952 ('Act'), made by the learned sessions court judge. The first and second applicants are Australian citizens. They had filed a petition for an adoption order under s 3 of the Act for the adoption of the first respondent. The applicants were husband and wife, residing in Petaling Jaya, Selangor. The first applicant ran his own business whereas the second applicant was a Leader of Finance and Planning Centre of Excellence. The second applicant was in Malaysia on an employment pass whereas the first applicant was on a social visit pass. The applicants have had the custody and care of the first respondent since 20 November 2009 when she was two weeks old. The first respondent's mother had given the necessary consent for the adoption of the first respondent. One of the issues which the sessions court judge had to consider and be satisfied with in the petition was whether the applicants fell within the meaning of 'ordinarily resident in Peninsular Malaysia' under s 4(3) of the Act. Accordingly, the sessions court judge framed the following question of law for this court: 'Do the applicants in the above petition who are both Australian citizens and are residing in Peninsular Malaysia on a 'work pass' qualify as 'ordinarily resident in Peninsular Malaysia' within the meaning of sub-s 4(3) of the Act?'.

Held, answering the question of law in the affirmative:

(1) An employment pass (in the case of Peninsular Malaysia) should not be used as the main criteria to determine the meaning of the term

'ordinarily resident'. If it is truly the intention of Parliament to state that 'ordinarily resident' requires permanent residence, then Parliament would have used the words 'permanently resident'. However, Parliament did not do so. The concept of permanent residence is well accepted in citizenship laws. By using the term 'ordinarily resident' rather than 'permanently resident' it shows that Parliament deliberately used the term to distinguish it or hold out a different meaning for 'ordinarily resident' from that of the term 'permanently resident' (see para 18).

(2) To all intents and purposes, the applicants were residing here just like any other citizen or permanent resident of this country except that they were not. They were not ordinarily resident at all in Australia considering that they were regularly, normally, customarily and usually residing in or located at Malaysia. In view of this, it could be logically concluded that they were ordinarily resident, in the ordinary course of their lives, in Peninsular Malaysia within the meaning of s 4(3) of the Act (see para 28).

(3) An applicant for adoption under the Act should not be automatically rendered ineligible or be rejected by the mere fact that he was here, in any part of this country, under an employment pass or work pass, as the case may be. An adoption order should be made in favour of such applicant if the facts showed that he was ordinarily resident in Peninsular Malaysia, or resides in Sabah, as the case may be, according to the meaning of the term 'ordinarily resident' as interpreted in *TPC v ABU & Anor* [1983] 2 MLJ 79 (see para 30).

[Bahasa Malaysia summary

Kes ini didaftarkan di mahkamah ini berikutan penghujahan atas persoalan undang-undang di bawah s 10(4) Akta Pengangkatan 1952 ('Akta'), yang dibuat oleh hakim mahkamah sesyen. Pemohon pertama dan kedua adalah warga negara Australia. Mereka memfailkan petisyen untuk perintah pengambilan anak angkat di bawah s 3 Akta tersebut untuk pengambilan responden pertama sebagai anak angkat. Pemohon-pemohon adalah pasangan suami isteri, yang menetap di Petaling Jaya, Selangor. Pemohon pertama menjalankan perniagaan sendiri manakala pemohon kedua adalah Ketua Pusat Kewangan dan Perancangan Kecemerlangan. Pemohon kedua datang ke Malaysia atas permit pekerjaan manakala pemohon pertama adalah atas permit lawatan sosial. Pemohon-pemohon telah mempunyai hak menjaga dan jagaan responden pertama semenjak 20 November 2009 semasa dia baru berumur dua minggu. Ibu responden pertama telah memberikan izin yang perlu untuk responden pertama diambil sebagai anak angkat. Salah satu daripada isu-isu yang hakim mahkamah sesyen perlu pertimbangkan dan berpuas hati dalam petisyen tersebut adalah sama ada pemohon-pemohon terangkum dalam maksud 'ordinarily resident in Peninsular Malaysia' di

A bawah s 4(3) Akta. Oleh itu, hakim mahkamah sesyen merangka soalan berikut untuk mahkamah ini: 'Adakah pemohon-pemohon dalam petisyen di atas yang kedua-duanya warga negara Australia dan tinggal di Semenanjung Malaysia atas 'work pass' layak sebagai 'ordinarily resident in Peninsular Malaysia' dalam maksud sub-s 4(3) Akta?'.

B

Diputuskan, menjawab soalan undang-undang dengan afirmatif:

(1) Permit pekerjaan (dalam kes Semenanjung Malaysia) tidak patut digunakan sebagai criteria utama untuk menentukan maksud terma 'ordinarily resident'. Jika ia niat sebenar Parlimen untuk menyatakan bahawa 'ordinarily resident' memerlukan pemastautinan tetap, oleh itu Parlimen akan menggunakan perkataan-perkataan 'permanently resident'. Walau bagaimanapun, Parlimen tidak berbuat sedemikian. Konsep pemastautinan tetap diterima sepenuhnya dalam undang-undang kewarganegaraan. Dengan menggunakan terma 'ordinarily resident' dan bukan 'permanently resident' ia menunjukkan bahawa Parlimen menggunakan secara sengaja terma tersebut untuk membezakannya atau memutuskan maksud berlainan untuk 'ordinarily resident' daripada maksud terma 'permanently resident' (lihat perenggan 18).

(2) Bagi semua niat dan tujuan, pemohon-pemohon sememangnya menetap di sini sama seperti warga lain atau warga tetap negara ini kecuali bahawa mereka bukan warga. Mereka bukan warga biasa di Australia dengan mempertimbangkan bahawa mereka secara tetap, lazimnya dan biasanya menetap atau tinggal di Malaysia. Berdasarkan ini, adalah logik untuk disimpulkan bahawa mereka adalah warga biasa, dalam perjalanan biasa hidup mereka, di Semenanjung Malaysia dalam maksud s 4(3) Akta (lihat perenggan 28).

(3) Pemohon untuk mengambil anak angkat di bawah Akta tidak patut secara automatik dikatakan tidak layak atau ditolak atas fakta semata-mata kerana dia berada di sini, di mana-mana bahagian negara ini, di bawah permit pekerjaan atau pas kerja, mengikut kes. Perintah mengambil anak angkat patut dibuat berpihak kepada pemohon jika fakta menunjukkan bahawa dia adalah warga biasa di Semenanjung Malaysia, atau tinggal di Sabah, mengikut kes, mengikut maksud terma 'ordinarily resident' seperti yang ditafsirkan dalam kes *TPC v ABU & Anor* [1983] 2 MLJ 79 (lihat perenggan 30).]

Notes

For cases on adoption, see 7 *Mallal's Digest* (4th Ed, 2010 Reissue) paras 2956–2976.

For cases on statutory interpretation, see 11 *Mallal's Digest* (4th Ed, 2005 Reissue) paras 1727–2147.

Cases referred to

Benjamin Taine and Sebinah bt Raymond Ernus (High Court, Kota Kinabalu, Sabah File No K34–27 of 2008-I) (not folld)
TPC v Abu & Anor [1983] 2 MLJ 79; [1983] CLJ (Rep) 881, HC (folld)

Legislation referred to

Adoption Act 1952 ss 3, 4(3), 10(4)
Adoption Ordinance 1960 (Sabah) s 4(5)
Immigration Regulations 1963 regs 9, 16

Ramlah Begum bt Muhamed Ibrahim (Ramlah & Associates) for the applicants.

Yeoh Wee Siam JC:

[1] This case was registered in the Family Court, High Court Malaya, Kuala Lumpur pursuant to the submission on a question of law made under s 10(4) of the Adoption Act 1952 ('Act 257') by Mr Jagjit Singh a/l Bant Singh, the learned sessions court judge, Civil Court 11, Kuala Lumpur ('the sessions court judge') regarding Adoption Petition No 1–58–164 of 2009, Sessions Court Kuala Lumpur, that had to be decided by him.

[2] Section 10(4) of Act 257 provides as follows:

> 10(4) The Judge of a Sessions Court may if he thinks fit submit any question of law, practice or procedure in connection with any application for the decision of a Judge of the High Court and if he does so he shall decide such question in conformity with such decision.

[3] The question of law that was framed and referred by the sessions court judge is as follows:

> Do the applicants in the above petition who are both Australian citizens and are residing in Peninsular Malaysia on a 'work pass' qualify as 'ordinarily resident in Peninsular Malaysia' within the meaning of sub-s 4(3) of Act 257?
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> (Note: The term 'work pass' above should actually be 'employment pass' since it is applicable to Peninsular Malaysia. The term 'work pass' is only applicable to Sabah (see reg 8(1)(a) of the Immigration Regulations 1963).

[4] The background facts as set out by the sessions court judge are as follows.

[5] The first applicant, Neil Duncan Gillies, and the second applicant, Megan Sarah-Rose Gillies, are Australian citizens. They have filed a petition

for an adoption order under s 3 of Act 257 for the adoption of the first respondent, Liew Mei Ling. The applicants are husband and wife and currently reside at No 82, Jalan TR 8/3, Tropicana Golf and Country, 47410 Petaling Jaya, Selangor. The first applicant runs his own business whereas the second applicant is a Leader of Finance and Planning Centre of Excellence. The second applicant is in Malaysia on an employment pass whereas the first applicant is on a social visit pass.

[6] The applicants have had custody and care of the first respondent since 20 November 2009 when she was two weeks old. The first respondent's mother has given the necessary consent for the adoption of the first respondent.

[7] One of the issues which the sessions court judge had to consider and be satisfied with in the petition is whether the applicants fall within the meaning of 'ordinarily resident in Peninsular Malaysia' under s 4(3) of Act 257.

THE LAW

[8] The current legal position on the matter has been well summarised by the sessions court judge as follows.

[9] Section 4(3) of Act 257 provides as follows:

> An adoption order shall not be made in favour of any applicant who is not *ordinarily resident in Peninsular Malaysia* or in respect of any child who is not so resident. (Emphasis added.)

[10] The words 'ordinarily resident' have been considered in the case of *TPC v Abu & Anor* [1983] 2 MLJ 79; [1983] CLJ (Rep) 881, where Edgar Joseph Jr J (as he then was) stated as follows:

> The question which requires determination is therefore whether at the material time, that is to say, at the date of the making of the application for adoption, the respondents were ordinarily resident in West Malaysia.
>
> In construing the words 'ordinarily resident' I think I should keep in mind the salutary advice of James LJ in *Re Bowie* [1880] XVI Ch 484, at pp 486–487, namely:
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> > … There are cases in which it has been judicially decided, and I think rightly, that the words 'residence' and 'business' have no actual definite technical meaning, but that you must construe them in every case in accordance with the object and intent of the Act in which they occur …

The next point I should like to make is whether or not a person is ordinarily resident is a question of fact: *Inland Revenue Commissioners v Lysaght* [1928] AC 217. In recent years, the purposive approach in the construction of statutes has found favour with the Courts in England (see, for example, *Reg v Barnet London Borough Council, Exp Shah* [1982] 1 QB 688), and this is the approach I propose to adopt in this case.

I have already mentioned in passing the brief facts and what I now have to determine is whether on those facts, it could be said that the respondents were ordinarily resident in West Malaysia when they made their application for adoption.

I think the meaning of the words 'ordinarily resident' in s 4(3) of the Act is coloured by the provisions of s 4(4)(a) which read as follows:

> (4) An adoption order shall not be made in respect of any child unless
>
> (a) the child has been continuously in the care and possession of the applicant for at least three consecutive months immediately preceding the date of the order;

This period of care and possession is meant as a trial period or probationary period for the growth of mutual familiarity and is, in my opinion, sufficiently complied with if the applicant has been living in this country with the child sought to be adopted for the period of three months immediately preceding the making of the order.

It is also significant that the court is *functus officio* once an adoption order is made because an adopted child does not become a ward of the court and should the adoptive parents choose to remove the child out of the jurisdiction, the court is powerless to intervene or to order any follow up proceedings to ensure that all is well with the adopted child. So I see no point in requiring an applicant to prove that he intends to reside permanently in this country. In my view, ordinary residence as opposed to occasional or temporary residence means no more than that the residence is not casual and uncertain but that the person held to reside does so in the ordinary course of his life: (per Lord Buckmaster in *Inland Revenue Commissioners v Lysaght*). So the stay in this country has to be of sufficient duration and continuity to satisfy the requirement of ordinariness.

Looking at the problem in this way one can envisage two extreme situations which can readily afford a solution to the problem of whether the applicants is ordinarily resident. Take the case of an applicant who has a home here and works here as an ordinary member of the community. In such a case, I should have no difficulty in holding that he is ordinarily resident in this country. On the other hand, take the case of someone who is here on holiday, in other words, who is merely present in this country for a very limited and transient purpose. Clearly, such a person could not qualify as someone who is ordinarily resident in this country. However, between these two extreme examples we have cases falling within a grey area which give rise to problems the solution to which is not free from difficulty, and I venture to suggest that the matter now before me is such a case.

There is no doubt that the applicant must be physically present in this country when the order is made. But he must further show that he is actually living in this country and has a base here where his work is though he does

not intend to live here permanently. However, he need not show that he has no immediate intention of residing anywhere else. I would accordingly answer the question raised in the affirmative and hold that the respondents were, at the material time, ordinarily resident in this country and were therefore not debarred by virtue of s 4(3) of the Act from applying for an adoption order. I confess however that I have arrived at this conclusion after some hesitation as in my view this is a borderline case.

[11] On the other hand in the recent case of *Benjamin Taine and Sebinah binti Raymond Ernus* (High Court, Kota Kinabalu, Sabah File No K34–27 of 2008-I) David Wong Dak Wah J ('David Wong J') had an occasion to consider the words 'reside in Sabah' in s 4(5) of the Adoption Ordinance 1960 (Sabah) (Note: the Adoption Ordinance 1960 (Sabah), though not in pari materia with Act 257, is substantially similar to Act 257). His Lordship held:

I now deliberate on what the word 'reside' means. The word is not defined in the Adoption Ordinance; hence the need to look to other sources. Viscount Cave LC in *Levene (Appellant) v Inland Revenue (Respondents)* [1928] UKHL 1 adopted what was stated in the *Oxford English Dictionary*:

> My Lords, the word 'reside' is a familiar English word and is defined in the *Oxford English Dictionary* as meaning 'to dwell permanently or for a considerable time, to have one's settled or usual abode, to live in or at a particular place'. No doubt this definition must for present purposes be taken subject to any modification which may result from the terms of the Income Tax Act and Schedules; but, subject to that observation, it may be accepted as an accurate indication of the meaning of the word 'reside'.

The definition adopted by Lord Cave in my view requires an element of permanency in one's dwelling and to determine that one must apply an objective test in that the circumstance in which the infant came to stay in Sabah must be taken into consideration ...

The starting point in my deliberation must be to determine what rights the law gives to a foreign worker. Those rights are contained in s 16 of the Immigration Regulations 1963 which read as follows:

16 Work Pass for Sabah.

(1) A Work Pass may be issued by the Controller to any person other than a prohibited immigrant who satisfies the Controller that he wishes to enter Sabah (whether from within or from outside the Federation) in order to take up work employment in Sabah and that —

(a) he is qualified to work or undertake employment in the trade, business or calling in respect of which the application is made;

(b) there is not already unemployment in Sabah of persons skilled in that class of trade, business or calling; and

(c) his taking up such work or employment will be to the benefit generally of Sabah.

(2) Subject to the conditions stated in the Pass and to these Regulations, a Work Pass shall authorize the holder thereof to enter the Federation or to enter Sabah from within the Federation (as the case requires) within the period stated in the Pass and to remain therein for the purpose of working or engaging in employment in Sabah as specified in the Pass for such period not exceeding five years as shall be stated in the Pass, and the Pass may specify the employer or proposed employer by whom such person may only be employed:

Provided that the Controller may, in his discretion, extend the period of, validity of a Work Pass from time to time for any period not exceeding five years at any one time.

(3) Every Work Pass issued to any person under this regulation shall be subject to the conditions that the holder shall take up the work or employment specified in the Pass and shall continue therein during the validity of the Pass.

(4) Where a person is specified in a Work Pass as the employer or proposed employer of the holder, that person shall forthwith inform the Controller if the holder —

(a) fails to take up the employment; or

(b) is discharged from, or leaves, the employment.

(5) A Work Pass may at any time be cancelled by the Controller, and shall be cancelled if the holder does not observe the conditions required by the paragraph (3) of this regulation.

(6) ...

(7) ...

From the wordings of the above, one can easily see that the sole purpose of a 'work pass' is to allow the infant's natural mother the right to work in Sabah only. That work pass is only for a limited period and can also be canceled if there has been a breach of any of the conditions attached to the work pass. From that it is my finding that the intention of parliament is clear and that is a 'work pass' does not confer on her any permanency of residential status. Being allowed to stay in Sabah under a work pass is only coincident to her right to work which she derives from the work pass. My view is fortified by the existence of other provisions in the Immigration Act dealing specifically with applicants wishing to reside in Malaysia.

For reasons stated above I find that the infant is not a person who resides in Sabah under the Adoption Ordinance.

DECISION

[12] The above two cases are not exactly on all fours with each other but

they are binding on the sessions court and this has somewhat caused some uncertainty in the sessions court on what should be the authority on the matter. *TPC* is an older case ie a 1983 High Court decision, and the issue therein is identical to the one in this case that was referred to me, namely, whether at the date of making the application for adoption, the residents are 'ordinarily resident in West Malaysia' (or Peninsular Malaysia, as in this case). On the other hand *Benjamin Taine* is a more recent case, a 2008 case, which was decided 25 years after *TPC*. In *Benjamin Tamin* David Wong J, when considering the meaning of the words 'reside in Sabah', apart from referring to the *Oxford Dictionary* meaning of 'reside', also sought assistance from reg 16 of the Immigration Regulations 1963 by linking the concept of 'reside in Sabah' with the whole concept of what a 'work pass' is in Sabah. He found that a work pass does not confer any permanency of residential status on the infant's mother. Based on that, he decided that the infant to be adopted is not a person who resides in Sabah under the Adoption Ordinance.

[13] With the greatest respect to David Wong J, I beg to differ from his decision in *Benjamin Taine*. I do not think that one should tie up the concept of 'reside in Sabah' with that of the term of a work pass. The terms of a work pass may throw light on the duration that the holder of such work pass is allowed to 'enter and remain' in Malaysia (quoting the exact words stated in the second applicant's employment pass) but such work pass should not be the main criteria to ascertain or interpret the true meaning of the words 'reside in Sabah', or in our case 'ordinarily resident in Peninsular Malaysia'.

[14] It is trite practice in Malaysia that in interpreting the meaning of a word in a statute, when such word is not defined by the statute itself, then one can resort to and rely on the ordinary meaning of the word in the *Oxford Dictionary*. However, if the word has been judicially defined by case law which is binding, then such judicial definition should be followed.

[15] In the present case, I have to interpret the meaning of the words 'ordinarily resident in Peninsular Malaysia' as opposed to 'resident in Sabah'. In order to determine what 'ordinarily resident' means, I am of the view that, first of all, the meaning of each word ie 'ordinarily' and 'resident' have to be ascertained.

[16] According to the *Concise Oxford Dictionary* (9th Ed), the word 'ordinary' means 'regular, normal, customary, usual (in the ordinary course of events)'. It therefore follows that 'ordinarily' means 'regularly, normally, customarily, usually (in the ordinary course of events'.

[17] According to the same dictionary, the word 'resident' means 'a permanent inhabitant (of a town or neighbourhood)'. It can also mean 'located'.

[18] By putting the meaning of the two words together, 'ordinarily resident' means 'regularly, normally, customarily, usually' 'a permanent inhabitant' of (a town or neighbourhood) or 'located'. Based on this very wide meaning which I find by putting the two words together, I am now even more adamant in my stand that an employment pass (in the case of Peninsular Malaysia) should not be used as the main criteria to determine the meaning of the term 'ordinarily resident'. If it is truly the intention of Parliament to state that 'ordinarily resident' requires permanent residence, then Parliament would have used the words 'permanently resident'. However, Parliament did not do so. The concept of permanent residence is well accepted in citizenship laws. By using the term 'ordinarily resident' rather than 'permanently resident' it shows that Parliament deliberately used the term to distinguish it or hold out a different meaning for 'ordinarily resident' from that of the term 'permanently resident'.

[19] After seeking assistance from the *Oxford Dictionary*, I now rely on judicial interpretation of the term 'ordinarily resident'. I fully agree with Edgar Joseph Jr J in his statement in *TPC* that whether or not a person is ordinarily resident is a question of fact. Going by the example of the two extreme cases given by the same judge, if an applicant for an adoption has a home here and works here as an ordinary member of the community, he is held to be ordinarily resident in this country. However, if he is in this country for a very limited and transient purpose, then he does not qualify to be someone who is ordinarily resident in this country.

[20] Let us now look at the facts in the present case. The second applicant is in this country on an employment pass which states that she is 'permitted to enter and remain in West Malaysia' from 10 September 2008 to 9 September 2010 for employment as the Manager of Asia Pacific and working with IBM Malaysia Sdn Bhd. The first applicant is the second applicant's husband. He is in this country, not on an employment pass but on a social visit pass for the same duration as his wife, the second applicant.

[21] Under reg 9 of the Immigration Regulations 1963, a person who takes up employment in the Federation under a contract may be issued an employment pass by the controller for a minimum of two years but not exceeding five years, but with the proviso that the controller can, inter alia, extend the validity of such pass.

[22] From a reading of the above reg 9, it is clear that even though the employment pass of the second applicant is only for two years, she is eligible to apply for an employment pass for a validity of above two years, up to a maximum of five years, and can even apply for extension thereof beyond five years. There is therefore a real possibility of the second applicant being

permitted to enter and remain in Malaysia and work in the Federation for a period that is longer than the current two years given to her.

[23] Upon a perusal of the report dated 16 March 2010 that was prepared by the welfare officer in his capacity as guardian ad-litem, the following facts are disclosed.

[24] The First Applicant is 61 years old. He is an Australian citizen. He came to Malaysia in the middle of 2008. His company is based in Queensland. He goes back to Australia about one to two times a year. He carries out a lot of his business through the internet. He spends his free time mainly with his family apart from playing tennis and swimming. He is very close to his children.

[25] The second applicant is 43 years old. She is an Australian citizen. She spends a lot of her free time with the children apart from playing tennis and reading.

[26] The two applicants have a seven year old daughter of their own who goes to the Garden International School, Mont Kiara, Kuala Lumpur.

[27] From the above facts, it is clear that the two applicants are in Peninsular Malaysia as husband and wife. The first applicant is on a social visit pass and the second applicant has an employment pass. They are currently residing here together with their daughter as a family. They spend time with each other as a family and they are also occupied with other individual activities. They have their home in Kuala Lumpur and they even have a foreign domestic maid.

[28] To all intents and purposes, the applicants are residing here just like any other citizen or permanent resident of this country except that they are not. They are not ordinarily resident at all in Australia considering that they are regularly, normally, customarily and usually residing in or located at Malaysia. In view of this, it can be logically concluded that they are ordinarily resident, in the ordinary course of their lives, in Peninsular Malaysia within the meaning of s 4(3) of Act 257.

[29] My above opinion on the question of law referred to me is to be read together with and following the decision of Edgar Joseph Jr J in *TPC*. I fully agree with the rationale and principles set down in that case.

[30] I stress again here that each case must be decided on its own facts. Consideration of the application for adoption in this case should not be

restricted by the interpretation and decision in *Benjamin Taine*. An applicant for adoption under Act 257 should not be automatically rendered ineligible or be rejected by the mere fact that he is here, in any part of this country, under an employment pass or work pass, as the case may be. An adoption order shall be made in favour of such applicant if the facts show that he is ordinarily resident in Peninsular Malaysia, or resides in Sabah, as the case may be, according to the meaning of the term 'ordinarily resident' as interpreted in *TPC*, and which has been amplified by me in the above.

[31] Having ascertained the meaning of the term 'ordinarily resident' in s 4(3) of Act 257, I now refer the matter back to the sessions court judge for him to decide on the adoption petition according to the other requirements for adoption that have to be fulfilled under the same Act.

Question of law answered in the affirmative.

Reported by Asgar Ali Ali Mohamed